IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE FIRST DAY OF JULY

TWO THOUSAND AND FOUR

: PRESENT :

THE HON'BLE MR. JUSTICE: N.V. RAMANA

W.P. No.11061 of 2004

Between:

M/s. Navayuga Engineering Company Ltd., having its Registered Office at D.No.48-9-17, Dwarakanagar, Visakhapatnam-16, rep. by its Resident Director Mr. P.A. Venkateswaran, S/o. late P.V.A. Subrahmanyam.

Petitioner

AND

1. National Highways Authority of India (NHAI), rep. by the General Manager (East-I), Dwaraka, Sector-10, G-5 & 6, New Delhi.
2. The Project Director, National Highways Authority of India, PIU, NHAI Enclave, Old Diary Farm Compound, Hanumanthavaka, Visakhapatnam.
3. Team Leader, CES-BECA-RITES, having their Site Office at 7-3-12/B(2), Gonti Street, One Way Traffic Road, Srikakulam-532 001.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus, declaring the actions of respondents 1 to 3 in deciding to recover the escalation amount paid, (which is under dispute), from the running bills of the petitioner, as being illegal, arbitrary and unconstitutional and consequently direct the respondents 1 to 3 not to recover the same from the running bills pending resolution of the dispute through arbitration "during the course of work, as provided in the clause 67.3."

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. Srinivasa Rao Bodduluri, Advocate for the Petitioner and of Mr. S.S. Varma for Respondents, the Court made the following

ORDER:

" Mr. S.S. Varma, learned standing counsel for respondents takes notice and seeks time to obtain instructions.

List along with W.P.No.10663/2004.

Meanwhile learned standing counsel for respondents is directed to find out the stage of appointment of Arbitrator. Till 9-7-2004, the respondents are directed not to make any recoveries pursuant to circular dated 20-5-2004 from the amounts already paid to the petitioner."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The General Manager (East-I), National Highways Authority of India (NHAI), Dwaraka, Sector-10, G-5 & 6, New Delhi.
2. The Project Director, National Highways Authority of India, PIU, NHAI Enclave, Old Diary Farm Compound, Hanumanthavaka, Visakhapatnam.
3. The Team Leader, CES-BECA-RITES, having their Site Office at 7-3-12/B(2), Gonti Street, One Way Traffic Road, Srikakulam-532 001.
4. One spare copy.

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HIGH COURT

NVRJ

DATE:1-7-2004

LIST ALONG WITH W.P.NO.10663/2004

ORDER:
WP.NO. 11069 OF 2004.

DIRECTION

HIGH COURT

DRAFTED BY CHR
DATED:2-7-2004

NVRJ

DATE:1-7-2004

LIST ALONG WITH W.P.NO.10663/2004

ORDER:
WP.NO. 11069 OF 2004.

DIRECTION